WATERS AND WATERCOURSES — NATURAL WATERCOURSES: OBSTRUCTION, POLLUTION, AND DIVERSION — EMBANKMENT TO PREVENT FLOODING. — The plaintiff and defendants owned land on opposite sides of a New Zealand river which frequently overflowed. To protect themselves, the defendants constructed an embankment some distance from the river bank. As a result, additional water was thrown on the plaintiff's land. The plaintiff brought an action for damages and an injunction. *Held*, that the suit be dismissed. *Gerrard* v. *Crowe*, 37 T. L. R. 110 (Privy Council).

A riparian proprietor cannot erect an embankment which will cause injury to opposite land in times of ordinary floods. *Burke* v. *Sanitary District*, 152 Ill. 125, 38 N. E. 670; *Menzies* v. *Breadalbane*, 3 Bli. N. S. 414. But an embankment is justified if it will cause damage only during extraordinary overflows. *Kansas City, M. & B. R. R. Co.* v. *Smith*, 72 Miss. 677, 17 So. 78; *Nield* v. *London & Northwestern Ry. Co.*, 10 Exch. 4. Analogous to this qualification is the rule that anyone is justified, although harming others, in protecting himself from the sea, the "common enemy." *The King* v. *Commissioners of Sewers*, 8 Barn. & Cres. 355. By a combination and extension of the two doctrines it has now been held permissible to build a levee along a river which ordinarily overflows with such violence as to be on principle more nearly like the sea. *Cubbins* v. *Mississippi River Commission*, 241 U. S. 351. It is true that the common-law idea of "common enemy" was expressly negatived by its originator as to rivers. See *The King* v. *Trafford*, 1 Barn. & Ad. 874, 888. But European authorities recognize its extension to other waters. See 11 DEMOLOMBE, CODE NAPOLÉON, No. 30. And the common-law doctrine, originating in England, is often inapplicable in other continents. See *Lamb* v. *Reclamation District*, 73 Cal. 125, 131, 14 Pac. 625, 628. This is true of New Zealand, whose rivers are wild and turbulent. See 19 ENCYCLOPEDIA BRITTANICA, 11 ed., 624. The case is interesting as an illustration of the elasticity of common-law doctrines in extending themselves to new situations.

BOOK REVIEWS

THE BRITISH YEAR BOOK OF INTERNATIONAL LAW. London: Henry Frowde and Hodder & Stoughton. 1920. pp. vi, 292.

The announcement of a new periodical on international law is gratifying to persons interested in the subject at any time, but it is particularly welcome at this time to have appearing the first number of a British periodical. With the large number of English leaders in international law, and with the growth of the international law journals on the continent and in American countries — new reviews have appeared within the past eighteen months in Argentina and Mexico — it is a bit curious that no attempt in the same direction has previously been made in England, aside from the International Law Notes which is not exclusively devoted to international law. This first number gives promise that the new annual will contribute very notably to the "wider knowledge and comprehension of the subject," which its editors deem essential at this time.

The editorial committee, consisting of Sir Erle Richards, Prof. A. Pearce Higgins, Sir John Macdonell, Sir Cecil Hurst and E. A. Whittuck, Esq., is in itself a guarantee of the success of the undertaking, and the editor, Cyril M. Picciotto, Esq., has admirably handled the first number. The assertion that "much that was regarded as definitely established must be re-examined in the light of modern developments" is an indication of the spirit in which the plan